

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT W. ODELL JR. et al.,

Plaintiffs,

Case No. 1:22-cv-12290

v.

Honorable Thomas L. Ludington
United States District Judge

KALITTA AIR, LLC and
CONRAD (“CONNIE”) KALITTA,

Honorable Patricia T. Morris
United States Magistrate Judge

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
DEFENDANT’S MOTION TO DISMISS, AND AMENDING CASE CAPTION**

A group of employees have sued Kalitta Air and the sole owner and CEO Conrad Kalitta, alleging their vaccine mandate violated the ADA and Title VII. ECF No. 1. Defendant Conrad Kalitta filed a motion to dismiss. ECF No. 17.

On March 6, 2023, Magistrate Judge Patricia T. Morris issued a report recommending a partial grant of the motion to dismiss such that all the individual-capacity claims, but not the official-capacity claims, be dismissed against Conrad Kalitta. ECF No. 35. Judge Morris provided 14 days to object, but the parties did not file any objections. They have therefore forfeited their right to appeal Judge Morris’s findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in the report.

Accordingly, it is **ORDERED** that Judge Morris’s Report and Recommendation, ECF No. 35, is **ADOPTED**.

Further, it is **ORDERED** that Defendant’s Motion to Dismiss, ECF No. 17, is **GRANTED IN PART** and **DENIED IN PART**. It is **GRANTED** to the extent that it seeks dismissal of the individual-capacity claims against Defendant Conrad Kalitta and **DENIED** to the extent that it

seeks dismissal of the official-capacity claims against Defendant Conrad Kalitta.

Further, it is **ORDERED** that the Clerk of the Court is **DIRECTED** to dismiss “Conrad (“Connie”) Kalitta” as a defendant in this case and to add “Conrad (“Connie”) Kalitta, in only his official capacity.”

This is not a final order and does not close the above-captioned case.

Dated: March 21, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge